

Attorney Docket No.: 960296.95360
Applicant: Ronald T. Raines
Application No.: 09/234,028 Filed: 01/20/1999
Group Art Unit: 1652
Examiner: Richard G. Hutson
Reply to Office Action dated: January 31, 2008
Response dated: April 30, 2008

REMARKS

In a non-final office action mailed January 31, 2008, the Examiner in charge of the application acknowledged Applicant's Request for Continued Examination and withdrew the finality of the prior rejections. The Examiner found Applicants arguments and amendments persuasive to overcome rejections not reiterated in the current office action. The Examiner specifically withdrew rejections over the cited Blazquez et al. paper.

The Examiner maintained or imposed rejections of the pending and new claims 1, 4, 5, 7, 9 and 18-20 under 35 USC §112, first paragraph. Applicants here respond to these rejections and respectfully request reconsideration of the pending claims and consideration of the newly presented claims in view of the amendments above and arguments below.

The undersigned thanks the Examiner for his time on February 7, 2008 during which the remaining claim issues were discussed during a telephonic interview. The Examiner explained that he understood Applicant's recitation in the claims of "wherein the difference consists of at least one" to constitute open ("comprising") claim language, rather than the intended closed ("consisting of") language. Applicant had intended the presented claims to embrace the situation wherein the only variation from the reference sequence is that "at least one of the residues at [the recited positions is] an alanine."

Applicant's amendments presented here in Claims 1, 18 and 20 accommodate Applicant's intent while addressing the Examiner's concern. All claims now specify that "the difference consists of an alanine residue" at a recited residue position. Applicant does not intend the amended claim language to require an alanine at only one recited residue position in each claimed ribonuclease inhibitor (RI) variant, but rather still to literally encompass variants where any of the recited residue positions is an alanine. Applicant adds new claims 21-23 that recite disclosed RI variants wherein more than one of the recited positions is an alanine.

Other minor amendments are presented in Claim 20 for consistency in the claim set.

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Fees

No extension fees are believed due. Should any extension be due, in this or any subsequent response, please consider this to be a petition for the appropriate extension and a request to charge the petition fees as needed to Deposit Account No. 17-0055.

No other fee is believed due. Should any other fee be due, in this or any subsequent response, please consider this to be a request to charge the fee as needed to the same Deposit Account.

Respectfully submitted,

/Bennett J. Berson/

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